

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10487 of 2020

Arising Out of PS. Case No.-65 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

-
1. MOHAN LAL SAHOTA @ MOHANLAL Son of Late Gurdas Ram
Resident of Village - 168, Chhoti Baradari, Phase - 1, P.S.- Division-7,
Jalandhar, Dist.- Jalandhar, Punjab
 2. Dharminder @ Dhirminder Son of Sohan Lal Resident of Village -
Nimanwala, Village - Jamsher Khas, Jalandhar II, Tehsil, P.S.- Sadar Tehsil,
Distt.- Jalandhar, Punjab

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-06-2020 Heard learned Counsel for the petitioners and learned

Additional Public Prosecutor representing the State, through

Video Conferencing.

This application, for grant of anticipatory bail, arises
out of Motihari Town Police Station Case No. 65 of 2018,
disclosing offences under Sections 420/406/34 of the Indian
Penal Code and Section 138 of the Negotiable Instrument Act.

The prosecution case, as per the First Information
Report, is that the informant made payment of Rs. 24,35,000/-
through cheque and cash in favour of the accused persons,
including the petitioners for investment in a business and they



had assured the informant that by 31.10.2015, they would return the double of the invested amount. It has further been alleged that they have fraudulently misappropriated money of the informant and her husband. In December, 2015, when the informant demanded her money back, they did not return the money and on 23.05.2016, the informant again met with co-accused Manas Dutta and demanded her money, the said co-accused gave a cheque of Rs. 24,35,000/-, but the same was not encashed. Again, on 10.05.2017, accused persons gave a cheque of Rs. 1,50,000/-, issued by co-accused Manas Dutta and had assured that they would pay Rs. 47,20,000/- till 31.12.2017, but the said cheque of Rs. 1,50,000/- got dishonoured due to insufficient fund.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case merely due to the fact that the petitioners were witnesses in a complaint case filed by co-accused Manas Dutta against the husband of the informant, Dev Priya Nilachal, bearing Complaint Case No. 1135 of 2015, pending before the Court, at Jalandhar. He further submits that there was business relationship between co-accused Manas Dutta and the informant and her husband. He, referring to Annexure 3, submits that the father of co-accused Manas



Dutta has also filed a complaint case before the Court, at Jalandhar, bearing Case No. 48 of 2018 against the informant, her husband and others. He also submits that the informant has also filed a complaint case against co-accused Manas Dutta in the Court of Chief Judicial Magistrate, Motihari. He further submits that the petitioner no. 1 is the retired chief manager of State Bank of Patiala, and petitioner no. 2 was an employee of the partnership firm, namely, M/s Higrip Polymers, which was formed by co-accused Manas Dutta and the husband of the informant. He next submits that a civil suit is also pending between the parties in the Court of Civil Judge, Junior Division, Jalandhar. It has further been submitted that a suit for dissolution of the firm, M/s Higrip Polymers, has also been filed by the informant and her husband against co-accused Manas Dutta. He next submits that from perusal of the First Information Report, it would be evident that the cheque of Rs. 1,50,000/- was issued by co-accused Manas Dutta.

Having regard to the submissions made on behalf of the parties and taking into consideration the materials available on record and the fact that the informant had business relationship with accused persons and the petitioners were not involved in the partnership firm and they were only witnesses in



a complaint case filed by co-accused Manas Dutta against the husband of the informant, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Motihari Town Police Station Case No. 65 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

